

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between lines 8 and 9, begin a new paragraph and insert the
- 2 following:
- 3 "SECTION 3. IC 12-7-2-142.7 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2008]: **Sec. 142.7. "Postnatal donation", for**
- 6 **purposes of IC 12-31, has the meaning set forth in IC 12-31-1-2."**
- 7 Page 1, line 15, delete "enters into a memorandum" and insert "**is**
- 8 **formed by"**.
- 9 Page 1, line 16, delete "of understanding with".
- 10 Page 2, between lines 1 and 2, begin a new paragraph and insert:
- 11 "**Sec. 2. As used in this article, "postnatal donation" means any**
- 12 **of the following donations by a patient to the public umbilical cord**
- 13 **blood bank:**

1 **(1) Postnatal fluid, including umbilical cord blood.**

2 **(2) Postnatal tissue, including the placenta and tissue**
 3 **extracted from an umbilical cord."**

4 Page 2, line 2, delete "2." insert "**3. (a)**".

5 Page 2, line 2, delete "enter into a" and insert "**form**".

6 Page 2, line 3, delete "memorandum of understanding with".

7 Page 2, between line 6 and 7, begin a new paragraph and insert the
 8 following:

9 **"(b) The office of the secretary shall adopt rules under IC 4-22-2**
 10 **concerning the protection of individual identifiable health**
 11 **information regarding the operation of the public umbilical cord**
 12 **blood bank."**

13 Page 2, line 7, delete "3." and insert "**4.**".

14 Page 2, line 34, delete "purchasing umbilical cord blood or a
 15 placenta" and insert "**receiving a postnatal donation**".

16 Page 2, line 39, after "bank." insert "**The person shall follow the**
 17 **federal Food and Drug Administration's current good tissue**
 18 **practices."**

19 Page 2, between lines 39 and 40, begin a new paragraph and insert:

20 **"(e) Subject to approval by the budget agency, the board of**
 21 **directors may, without the approval of the attorney general,**
 22 **employ legal counsel, technical experts, and other officers, agents,**
 23 **and employees that the board of directors considers necessary to**
 24 **carry out the efficient operation of a public umbilical cord blood**
 25 **bank.**

26 **(f) The board of directors shall determine the terms and**
 27 **conditions of the participating agreement that is executed with**
 28 **each participating hospital."**

29 Page 2, line 40, delete "4." and insert "**5.**".

30 Page 2, line 41, delete "and" and insert ",".

31 Page 2, line 42, delete "umbilical cord blood" and insert "**, and**
 32 **receiving postnatal**".

33 Page 3, line 2, delete "umbilical" and insert "**postnatal**".

34 Page 3, line 3, delete "cord blood".

35 Page 3, line 4, delete "forms" and insert "**procedures**".

36 Page 3, line 5, delete "." and insert "**that are approved by an**
 37 **independent institutional review board selected by the board of**
 38 **directors."**

- 1 Page 3, line 6, delete "5." and insert **"6."**
- 2 Page 3, line 7, delete "umbilical cord blood" and insert **"postnatal"**.
- 3 Page 3, line 9, delete "umbilical cord blood" and insert **"postnatal"**.
- 4 Page 3, line 12, delete "umbilical cord blood" and insert
- 5 **"postnatal"**.
- 6 Page 3, line 16, delete "umbilical cord blood" and insert
- 7 **"postnatal"**.
- 8 Page 3, line 19, delete "umbilical cord blood donations to the public
- 9 umbilical" and insert **"postnatal donations donated that are"**.
- 10 Page 3, line 20, delete "cord blood bank".
- 11 Page 3, line 21, after "Program" add **"or other federal Food and**
- 12 **Drug Administration approved protocol"**.
- 13 Page 3, line 23, delete "Umbilical cord blood donations" and insert
- 14 **"Postnatal donations that are donated"**.
- 15 Page 3, between lines 25 and 26, begin a new paragraph and insert:
- 16 **"(e) The nonprofit corporation shall acquire and maintain**
- 17 **adequate liability insurance coverage."**
- 18 Page 3, line 26, delete "6." and insert **"7."**
- 19 Page 3, line 27, delete "donations of tissue extracted from an
- 20 umbilical cord and placenta" and insert **"the postnatal donations"**.
- 21 Page 3, line 29, delete "tissue" and insert **"donations"**.
- 22 Page 3, line 30, after "bank" insert **"that are of transplantable**
- 23 **quality or suitable for research"**.
- 24 Page 3, line 33, delete "7." and insert **"8."**
- 25 Page 3, line 34, delete "umbilical cord blood or postnatal tissue."
- 26 and insert **"postnatal donations."**
- 27 Page 3, line 35, delete "8." and insert **"9."**
- 28 Page 3, line 39, delete "collections" and insert **"postnatal**
- 29 **donations"**.
- 30 Page 3, line 40, delete "collections" and insert **"postnatal**
- 31 **donations"**.
- 32 Page 4, line 6, delete "donate umbilical cord blood." and insert
- 33 **"make a postnatal donation."**
- 34 Page 4, line 8, delete "umbilical cord blood." and insert **"postnatal**
- 35 **tissue and postnatal fluids."**
- 36 Page 4, line 17, delete "donate umbilical cord blood" and insert
- 37 **"make a postnatal donation"**.
- 38 Page 4, lines 19, delete "the difference between public and" and

- 1 insert **"the benefits of public"**.
- 2 Page 4, line 20, delete "private".
- 3 Page 4, line 22, after "Program" add **"or other federal Food and**
- 4 **Drug Administration approved protocol"**.
- 5 Page 4, line 30, delete "umbilical" and insert **"postnatal tissue and**
- 6 **postnatal fluid"**.
- 7 Page 4, line 31, delete "cord blood".
- 8 Page 4, line 33, delete "umbilical cord blood" and insert **"postnatal**
- 9 **tissue and postnatal fluid"**.
- 10 Page 4, line 39, delete "Hospitals." and insert **"Participating**
- 11 **hospitals."**.
- 12 Page 4, after line 42, begin a new line double block indented and
- 13 insert:
- 14 **"(F) Nurse midwives licensed under IC 25-23-1-13.1."**
- 15 Page 5, delete lines 1 through 6, begin a new paragraph and insert:
- 16 **"Sec. 5. The nonprofit corporation shall develop a process for**
- 17 **physicians, nurse midwives, and participating hospitals to inform**
- 18 **eligible candidates of the opportunity to make postnatal donations**
- 19 **to the public umbilical cord blood bank following delivery of a**
- 20 **newborn infant."**.
- 21 Page 5, line 13, delete "any claim of intellectual property derived
- 22 from an" and insert **"to the public umbilical cord blood bank any**
- 23 **property right related to the postnatal donation, including any**
- 24 **claim of intellectual property rights derived from the postnatal**
- 25 **donation."**.
- 26 Page 5, delete lines 14 through 18, begin a new paragraph and
- 27 insert:
- 28 **"(b) The entire right, title, and interest in and to any intellectual**
- 29 **property derived from a postnatal donation transfers with the**
- 30 **postnatal tissue and postnatal fluid after the postnatal donation is**
- 31 **allocated by the public umbilical cord blood bank for research**
- 32 **purposes.**
- 33 SECTION 4. IC 16-18-2-36.5, AS ADDED BY P.L.96-2005,
- 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2008]: Sec. 36.5. (a) "Birthing center", for purposes of
- 36 IC 16-21-2 **and IC 16-21-7.5**, means a freestanding entity that has the
- 37 sole purpose of delivering a normal or uncomplicated pregnancy.
- 38 (b) The term does not include a hospital that is licensed as a hospital

- 1 under IC 16-21-2."
- 2 Page 5, line 22, after "Hospital" insert **"and Birthing Center"**.
- 3 Page 5, between lines 23 and 24, begin a new paragraph and insert:
- 4 **"Sec. 1. As used in this chapter, "postnatal donation" has the**
- 5 **meaning set forth in IC 12-31-1-2.**
- 6 **Sec. 2. Before a hospital or birthing center participates in**
- 7 **collecting donations for the public umbilical cord blood bank, the**
- 8 **hospital or birthing center shall enter into a written agreement**
- 9 **with the public umbilical cord blood bank establishing the:**
- 10 **(1) conditions of the hospital's or birthing center's**
- 11 **participation; and**
- 12 **(2) obligations of the hospital or birthing center;**
- 13 **in the umbilical cord donation initiative."**
- 14 Page 5, line 24, delete "1." and insert **"3."**
- 15 Page 5, line 24, delete "2" and insert **"4"**.
- 16 Page 5, line 25, after "hospital" insert **"or birthing center"**.
- 17 Page 5, line 26, after "hospital" insert **"or birthing center"**.
- 18 Page 5, line 27, delete "donating the umbilical cord blood" and
- 19 insert **"making a postnatal donation"**.
- 20 Page 5, line 32, delete "2." and insert **"4."**
- 21 Page 5, line 32, before "hospital" insert **"participating"**.
- 22 Page 5, line 32, after "hospital" insert **"or birthing center"**.
- 23 Page 5, line 32, delete "umbilical cord" and insert **"postnatal**
- 24 **donation"**.
- 25 Page 5, line 33, delete "blood".
- 26 Page 5, line 35, delete "," and insert **"or a nurse midwife licensed**
- 27 **under IC 25-23-1-13.1,"**.
- 28 Page 5, line 37, before "hospital" insert **"participating"**.
- 29 Page 5, line 37, after "hospital" insert **"or birthing center"**.
- 30 Page 5, line 40, after "hospital" insert **"or birthing center"**.
- 31 Page 5, line 41, delete "an umbilical cord blood" and insert **"a**
- 32 **postnatal"**.
- 33 Page 6, line 1, delete "3." and insert **"5."**
- 34 Page 6, line 1, before "hospital" insert **"participating"**.
- 35 Page 6, line 1, after "hospital" insert **"or birthing center"**.
- 36 Page 6, line 3, delete "umbilical cord blood" insert **"postnatal"**.
- 37 Page 6, after line 3, begin a new paragraph and insert:
- 38 **"Sec. 6. A hospital or birthing center is not required to enter**

1 into an agreement with the public umbilical cord blood bank and
2 may enter into contracts concerning postnatal tissue and postnatal
3 fluids with any person.

4 SECTION 5. [EFFECTIVE JULY 1, 2008] (a) The office of the
5 secretary of family and social services shall immediately begin the
6 adoption of the rules required under IC 12-31-1-3, as added by this
7 act, and adopt the final rules before March 1, 2009.

8 (b) This SECTION expires July 1, 2009."

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1020 as introduced.)

and when so amended that said bill do pass.

Representative Brown C